REMARKS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the above amendments and the following remarks.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-8 are currently pending in this application. Claims 1-8 are hereby amended.

II. THE REJECTIONS UNDER 35 U.S.C. § 112 and § 101

Claims 1-8 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. Claims 1-8 were also rejected under 35 U.S.C. § 101 for not setting forth any steps involved in the process. Applicant has accordingly amended claims 1-8 in order to overcome these rejections. As amended, claims 1-3 are directed to a method, claims 4-7 are directed to a transmitter-receiver, and claim 8 is directed to an installation. Applicant, therefore, respectfully requests withdrawal of the rejections under both 35 U.S.C. § 112 and 35 U.S.C.§101.

III. THE REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1-4 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Application Publication No. 2002/0163440 to Tsui ("*Tsui*") in view of U.S. Patent No. 6,654,428 to Bose et al. ("*Bose*"). Also, claims 5-8 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over *Tsui* in view *Bose* and U.S. Patent No. 5,661,804 to Dykema et al. ("*Dykema*"). The rejections are traversed for at least the following reasons.

Independent claim 1, as amended, recites:

> "A method of communication between a command transmitter and a bi-directional command transmitter-receiver ... comprising:
>
> communicating control commands from the command transmitter to the command transmitter-receiver or from the transmitter-receiver to other elements by way of frequency-modulated RF signals; and
>
> **... activating and interrupting successively** using the command transmitter-receiver, in a programming mode, **the transmission of electric signals normally used for communication by frequency modulation, so as to send information to the command transmitter by way of amplitude-modulated RF signals."** (Emphasis added)

Neither *Tsui* nor *Bose* disclose or suggest "activating and interrupting successively using the command transmitter-receiver, in a programming mode, the transmission of electric signals normally used for communication by frequency modulation, so as to send information to the command transmitter by way of amplitude-modulated RF signals," as recited in claim 1.

Tsui discloses a universal transmitter 100 that is programmable to transmit one or more device codes using one or more transmission formats at one or more frequencies. This allows the universal transmitter to control many standard receivers. The transmitter 100 includes multiple switches (e.g., 4) that can be assigned to control multiple devices simultaneously. Thus, each switch can be assigned to transmit a signal having any combination of a device code, transmission format, and transmission frequency. In one embodiment, the modulation pattern is a pulse-code modulation pattern. However, in alternative embodiments, the transmission pattern may be any known transmission pattern, for example, frequency shift keying, pulse amplitude modulation, and pulse width modulation. *Tsui, paragraph [0024].*

Tsui does not however "activate[e] and interrupt[e] successively ... the transmission of electric signals normally used for communication by frequency modulation, so as to send information to [a] command transmitter by way of amplitude-modulated RF signals." In *Tsui,* transmitter 100 merely includes multiple switches that may be assigned to transmit a signal having any combination of a device code, transmission format, and transmission frequency.

In *Bose*, the system allows for the transmission and reception of cellular communications using the US cellular band. However, an advantage of performing processing in software is that the transmission process can be separated from the reception process, and therefore, the systems and methods described herein allow for virtual communication patch systems, wherein the same device can receive and decode transmission under one protocol, and broadcast transmission under another protocol. This allows for forming a patch between disparate wireless systems. In another example, a radio transmission broadcast using frequency modulation, could be received and decoded, and then encoded using amplitude modulation and rebroadcast, thereby allowing AM receivers to receive the same data as FM receivers. *Bose, col. 14, lines 46-60.*

Bose does not however "activate[e] and interrupt successively ... the transmission of electric signals normally used for communication by frequency modulation, so as to send information to [a] command transmitter by way of amplitude-modulated RF signals." According to *Bose*, a radio broadcast is merely received using frequency modulation and then rebroadcast using amplitude modulation.

Neither *Tsui* nor *Bose* disclose or suggest a "command transmitter" that transmits "control commands ... by way of frequency-modulated RF signals" and receives "amplitude-modulated RF signals" from the "command transmitter-receiver," much less using a "command transmitter-receiver, in a programming mode," for converting

"electric signals normally used for communication by frequency modulation, so as to send information to the command transmitter by way of amplitude-modulated RF signals."

The relied upon portions of *Tsui* do not appear to disclose or suggest the above identified feature of claim 1, as amended. Moreover, the relied upon portions of *Bose* do nothing to overcome the deficiencies of *Tsui*. Therefore, for at least the foregoing reasons, Applicant submits that independent claim 1 is patentable over the relied upon portions of both *Tsui* and *Bose*, taken alone or in combination. Reconsideration and withdrawal of these rejections are, therefore, respectfully requested.

Independent claim 4, as amended, recites:

> "A transmitter-receiver of commands … comprising:
>
> wherein the means for transmission is coupled to the antenna and comprises means for **activating and disabling**, in a programming mode, **the means for transmission so that the transmission of electric signals normally used for communication by frequency modulation is used to send information to the command transmitter by way of amplitude-modulated RF signals.**" (Emphasis added)

For reasons similar to those described above with regards to independent claims 1, neither *Tsui* nor *Bose* disclose or suggest "activating and disabling … the means for transmission so that the transmission of electric signals normally used for communication by frequency modulation is used to send information to the command transmitter by way of amplitude-modulated RF signals," as recited in claim 4. In *Tsui*, the transmitter merely includes multiple switches that may be assigned to transmit a signal having any combination of a device code, transmission format, and transmission frequency. Moreover, in *Bose*, a radio broadcast is merely received using frequency modulation and then rebroadcast using amplitude modulation. Thus,

none of the references cited by the Examiner use the "transmission of electric signals normally used for communication by frequency modulation" "to send information to the command transmitter by way of amplitude-modulated RF signals."

The relied upon portions of *Tsui* and *Bose* do not appear to disclose or suggest the above identified feature of claim 4, as amended. Therefore, for at least the foregoing reasons, Applicant submits that independent claim 4 is patentable over the relied upon portions of both *Tsui* and *Bose*, taken alone or in combination. For reasons similar to those described above with regards to independent claims 4, independent claim 8 is also allowable. Reconsideration and withdrawal of these rejections are, therefore, respectfully requested.

IV. DEPENDENT CLAIMS

The other claims are dependent from independent claims 1 and 4, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In view of the foregoing, it is believed that all of the claims in this application are patentable over the prior art, and an early and favorable consideration thereof is solicited.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner

specifically indicate those portions of the respective reference providing the basis for a contrary view.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,
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